

a Presidential election year, we continue to confirm consensus district judge nominees. We have now confirmed 151 nominees of this President to the district and circuit courts. We also have confirmed two Supreme Court nominees during President Obama's term.

I have heard some Members repeatedly ask the question, "What is different about this President that he has to be treated differently than all these other Presidents?" I won't speculate as to any inference that might be intended by that question, but I can tell you that this President is not being treated differently than previous Presidents. By any objective measure, this President has been treated fairly and consistent with past Senate practices.

For example, with regard to the number of confirmations, let me put that in perspective for my colleagues with an apples-to-apples comparison. The last time the Senate confirmed two Supreme Court nominees was during President Bush's second term. And during President Bush's entire second term the Senate confirmed a total of only 119 district and circuit court nominees. With Ms. Rosenbaum's confirmation today, we will have confirmed 32 more district and circuit nominees for President Obama than we did for President Bush in similar circumstances.

During the last Presidential election year, 2008, the Senate confirmed a total of 28 judges—24 district and 4 circuit. Today, we will exceed that number, as well. We have already confirmed 5 Circuit nominees, and this will be the 24th district judge confirmed this year. Those who say this President is being treated differently either fail to recognize history or want to ignore the facts.

After graduating from the University of Miami School of Law in 1991, Judge Rosenbaum worked as a trial attorney for the Federal Programs Branch of the Department of Justice. Her practice involved defending the constitutionality of Federal statutes and agency programs. In September 1995, she joined the Independent Counsel Office's investigation of former U.S. Secretary of Commerce Ronald Brown. She served as staff counsel, participating in the criminal investigation and providing advice to other team members. Upon closure of the investigation, Judge Rosenbaum joined the law firm of Holland & Knight LLP as an associate. While there, from 1996 to 1997, she worked on a variety of civil matters, including Federal employment law. Judge Rosenbaum then accepted a position as a law clerk for Judge Stanley Marcus on the U.S. Circuit Court of Appeals for the Eleventh Circuit, where she worked from January to October 1998.

After her clerkship, Judge Rosenbaum became an assistant U.S. attorney. She specialized in criminal prosecutions such as securities fraud, bank fraud, identity theft, tax fraud, tele-

marketing fraud, health care fraud, internet fraud, and computer crimes. In 2002, she became the chief of the Economic Crimes Section for the Central Division, Fort Lauderdale, which gave her supervisory responsibilities over 8 to 10 other assistant U.S. attorneys. She held that title until her appointment as a magistrate judge in 2007.

In 2007, the U.S. district judges for the Southern District of Florida appointed Judge Rosenbaum to be a U.S. magistrate judge. As magistrate judge in the District of Southern District of Florida, she manages all aspects of the pretrial process in civil and criminal cases: conducting evidentiary hearings, ruling on nondispositive motions, making reports and recommendations regarding dispositive motions, and issuing criminal complaints, search warrants, and arrest warrants.

The ABA Standing Committee on the Federal Judiciary unanimously rated Judge Rosenbaum as "well qualified."

Mr. NELSON of Florida. Mr. President, our Nation faces an alarming judicial vacancy rate. I am grateful that today we will be voting to confirm U.S. Magistrate Judge Robin Rosenbaum to fill a judicial emergency in the Southern District of Florida for a Federal district judgeship. She earned her undergraduate degree at Cornell, her law degree from Miami. She began her legal career in the U.S. Attorney General's Honors Program where she worked as a trial attorney in the Federal Programs Branch of the Civil Division. She has worked in private practice at Holland & Knight and as a law clerk to Judge Stanley Marcus, U.S. Circuit Court Judge for the 11th Circuit Court of Appeals, and she has worked as an Assistant U.S. Attorney down in the Southern District of Florida.

Our State has a great tradition of bipartisan support for our Federal judicial nominees going back a couple of decades. Of course, through this judicial nominating commission, she has come forth with their stamp of approval. The two Senators from Florida agree. I am happy to recommend her to the Senate.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Robin S. Rosenbaum, of Florida, to be U.S. District Judge for the Southern District of Florida.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Colorado (Mr. UDALL), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 3, as follows:

[Rollcall Vote No. 167 Ex.]

YEAS—92

Akaka	Feinstein	Merkley
Alexander	Franken	Mikulski
Ayotte	Gillibrand	Moran
Barrasso	Graham	Murkowski
Baucus	Grassley	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Heller	Portman
Blumenthal	Hoeven	Pryor
Blunt	Hutchison	Reed
Boozman	Inhofe	Reid
Boxer	Inouye	Risch
Brown (MA)	Isakson	Roberts
Brown (OH)	Johanns	Rubio
Burr	Johnson (SD)	Sanders
Cantwell	Johnson (WI)	Schumer
Cardin	Kerry	Sessions
Carper	Klobuchar	Shaheen
Casey	Kohl	Shelby
Chambliss	Kyl	Snowe
Coats	Landrieu	Stabenow
Coburn	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Levin	Toomey
Conrad	Lieberman	Udall (NM)
Coons	Lugar	Vitter
Corker	Manchin	Warner
Cornyn	McCain	Whitehouse
Crapo	McCaskill	Wicker
Durbin	McConnell	Wyden
Enzi	Menendez	

NAYS—3

DeMint	Lee	Paul
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NOT VOTING—5

Hatch	Rockefeller	Webb
Kirk	Udall (CO)	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be duly notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate shall resume legislative session.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT OF 2012—Continued

The PRESIDING OFFICER. For the information of the Senate, cloture having been invoked on the motion to concur in the House amendment to S. 3187 yesterday, the motion to refer fell, being inconsistent with cloture.

Under the previous order, there will be 6 hours 15 minutes of debate, with 2 hours controlled by the Senator from Iowa, Mr. HARKIN; 4 hours controlled by the Senator from North Carolina, Mr. BURR; and 15 minutes controlled by the Senator from Kentucky, Mr. PAUL.

The Senator from Iowa.